

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
ENOC RIVERA, a/k/a MOSES,

Plaintiff,

against

MIDTOWN CATCH CORP, MICHAEL CIOFFI, and
JOSEPH POLIZZI,

Defendants.

CIVIL ACTION NO.: 19 Civ. 2574 (SLC)

**ORDER TO SUBMIT
SETTLEMENT MATERIALS**

SARAH L. CAVE, United States Magistrate Judge.

This case contains one or more claims arising under the Fair Labor Standards Act. In light of the requirements of Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015), the parties must file a joint Letter-Motion that addresses whether the settlement is fair and reasonable.

The parties must file their Letter-Motion by **Monday, August 10, 2020**, and should address the claims and defenses, the defendants' potential monetary exposure and the bases for any such calculations, the strengths and weaknesses of the plaintiff's case and the defendants' defenses, any other factors that justify the discrepancy between the potential value of plaintiff's claims and the settlement amount, the litigation and negotiation process, as well as any other issues that might be pertinent to the question of whether the settlement is reasonable (for example, the collectability of any judgment if the case went to trial).

The joint Letter-Motion should also explain the attorney fee arrangement, attach a copy of the retainer agreement, and provide information as to actual attorney's fees expended. Finally, a copy of the settlement agreement itself must accompany the joint Letter-Motion.

Dated: New York, New York
July 27, 2020

SO ORDERED



SARAH L. CAVE
United States Magistrate Judge